

Application No. 10/626,263
Amendment dated March 5, 2007
Reply to Office Action of October 5, 2006

Docket No.: 30565/38931

RECEIVED
CENTRAL FAX CENTER

REMARKS

MAR 05 2007

Claims 1-33 were examined in the most recent Office Action, dated October 5, 2006.

All claims stand rejected as obvious over various combinations of Cantrell, U.S. Patent No. 4,761,903; Nelson, U.S. Patent No. 6,139,210; Rappaport, U.S. Patent Application No. 2002/0116854; Platt, U.S. Patent No. 3,279,311; Holcomb, U.S. Patent No. 4,838,708; and/or Hambright, U.S. Patent No. 6,164,859. As the claims have been amended, applicant respectfully requests withdrawal of the rejections for the reasons outlined herein.

Interview Summary.

Applicant thanks the Examiner for his time in conducting an interview on March 2, 2007. The Examiner and Applicant's representative discussed certain claim limitations and amendments regarding claim 30 and agreed in principle on claim language that would define claim 30 over the art of record and place it in condition for allowance. By way of this response, Applicant has amended claim 30 to be consistent with that discussed as allowable in the interview. Applicant has further amended independent claims 1 and 24 to recite the salient claim language discussed in the interview.

Claim 30, 31, 33 and 34 are Allowable.

As claim 30 stands amended, applicant respectfully requests withdrawal of the rejection to claim 30 as obvious over Nelson in view of Cantrell and Rappaport. Claim 30 now recites, in part, an adhesive disposed on one of the first and second sheets and across the open end of the pocket and contacting the endpoints of the horizontal seams, wherein when the other of the first and second sheet contacts the adhesive across the open end, the vertical seam, the horizontal seams, and the adhesive form a waterproof pocket; and a releasable tape

Application No. 10/626,263
Amendment dated March 5, 2007
Reply to Office Action of October 5, 2006

Docket No.: 30565/38931

disposed on the adhesive such that the adhesive is adapted to selectively adhere the first sheet to the second sheet across the open end.

Figure 5 of Nelson discloses an album page with a clear sheet 19 and a backing sheet 34 which are attached to each other around their entire outer edges by a releasable adhesive layer 32. Nelson fails to disclose a permanent liquid tight seal forming a pocket having two endpoints, and an adhesive disposed across the end of the pocket and contacting the endpoints.

The office action relies on Rappaport for this feature. However, while Rappaport discloses a pocket, Rappaport discloses that the adhesive should be spaced away from the endpoints of the pocket, in contravention to the claimed device. Rappaport specifically discloses that "a gap 31 (FIGS. 3 and 4) devoid of adhesive is provided between the adhesive strip 24 and the fold line defined by the perforations 28 so that even if a person inserts a photograph after the liner 26 has been removed it, will not jam by becoming stuck to the adhesive strip 24." Rappaport, ¶ 22. Further, the construction of Rappaport does not form a waterproof pocket as claimed, because the gap provides a channel through which water can enter the pocket. Further, the perforations also provide channels for entrance of water.

Finally, Rappaport specifically teaches against placing the adhesive in contact with the endpoints of the pocket, because Rappaport discloses that the gap is helpful in preventing jamming of the photograph when inserting it into the pocket when the adhesive is already exposed. Because Rappaport specifically teaches away from the claimed device, Rappaport cannot be cited against claim 30 in any regard.

Cantrell discloses a waterproof display frame where the frame includes a clear front plate and a backing sheet. The backing sheet is attached to the frame by a waterproof adhesive around the entire outer edges of the plate and sheet. It has the same general structure

Application No. 10/626,263
Amendment dated March 5, 2007
Reply to Office Action of October 5, 2006

Docket No.: 30565/38931

of Nelson. Cantrell was only cited for its disclosure of a picture-holder being waterproof, and therefore fails to remedy the deficiencies of the other cited references. None of the other cited references disclose the noted claim element.

As was discussed in the interview, the claimed subject matter provides a quick, easy, and reliable device for containing photos or other documents in a waterproof pocket. Both devices of Cantrell and Nelson require careful alignment when adhering the top sheet to the backing, unlike the claimed device. Also, Rappaport teaches away from a waterproof pocket altogether.

Accordingly, claim 30 is allowable over the art of record. Dependent claims 31, 33, and 34 are allowable for at least the same reasons.

Claims 1, 2, 4-9, 11-20, and 24-29 are Allowable.

Independent claims 1 and 24 are allowable for the same reasons the claim 30 is allowable. Claim 1 recites, in part, a length of adherent disposed on one of the first transparent sheet and the second sheet and across the open end of the pocket and contacting the first endpoint and the second endpoint, wherein when the other of the first transparent sheet and the second sheet contacts the adherent across the open end of the pocket, the continuous seam and the adherent form a waterproof pocket. Claim 24 recites, in part, disposing a length of adherent on the first sheet and across the open end of the pocket, wherein the length of adherent contacts the first endpoint and the second endpoint, wherein when the second sheet contacts the adhesive across the open end of the pocket, the continuous seam and the adherent form a waterproof pocket.

Again, none of the references cited in the office action disclose a permanent seal forming a pocket, and an adhesive disposed across the open end of the pocket and contacting

RECEIVED
CENTRAL FAX CENTER

MAR 05 2007

Docket No.: 30565/38931

Application No. 10/626,263
Amendment dated March 5, 2007
Reply to Office Action of October 5, 2006

endpoints of the pocket such that a waterproof pocket can be formed by pressing the top sheet to the bottom sheet across the open end of the pocket. Claims 1 and 24 are therefore allowable. Dependent claims 2, 4-9, 11-20, and 25-29 are allowable for at least the same reasons.

CONCLUSION

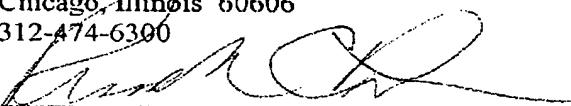
It is submitted that the claims as now appearing in this application are in form for allowance. If a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge the fee for a Petition for a Two Month Extension of Time to our Deposit Account No. 13-2855, under Order No. 30565/38931/US. No other fee is believed due with this response. The Commissioner is further authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
312-474-6300

By:


Russell C. Petersen
Registration No. 53,457
Attorney for Applicant

March 5, 2007